IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12016 of 2004

Between:

Y.V.Ramjoga Rao, s/o late Sanyasaiah,
Vemulavalasa Village, Anandapuram Mandal,
Visakhapatnam District.

... PETITIONER

AND

1 The Commissioner of Cooperation & Registrar of Cooperative Societies,

Andhra Pradesh, Gruhakalpa, M.J.Road, Hyderabad.
2 The Divisional Cooperative Officer, Visakhapatnam District,

Visakhapatnam.
3 Sri Ramalingeswara Primary Agrl.Co.op.Society No.M-652,

Bhandevapuram Village, Padmanabham Mandal, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not paying the subsistence allowance as per Regulation No.23 of the Service Regulations of the 3rd respondent society to the petitioner during the suspension period as highly illegal, arbitrary, unjust and consequently direct the respondents to pay the subsistence allowance to the petitioner during the suspension period

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondents 1 & 2: GP FOR COOPERATION

The Court made the following Order:

ORDER:

For not paying subsistence allowance during the suspension period the present writ petition is filed.

Heard the counsel for the petitioner and counsel for respondents 1 and 2.

The petitioner was suspended with effect from 30.10.2003 on the ground that he failed to perform duties of the society. The grievance of the petitioner is that though he was placed under suspension vide proceedings dated 15.11.2003 the subsistence allowance is not paid as per Bye-laws of the society. Payment of subsistence allowance is no bounty but it is a matter of right. Every employee who is under suspension is entitled for subsistence allowance during the suspension period. Of course, he is entitled for the same as per the Bye-laws of the society.

Therefore, a direction can be given to the third respondent to pay subsistence allowance during the suspension period as per the Bye-laws of the respondent society.

The writ petition is disposed of. In the circumstances of the case there shall be no order as to costs.

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(K.C. BHANU, J)

July 15, 2004

Dsk/Ars

To

1 The Commissioner of Cooperation & Registrar of Cooperative Societies,

Andhra Pradesh, Gruhakalpa, M.J.Road, Hyderabad.
2 The Divisional Cooperative Officer, Visakhapatnam District,

Visakhapatnam.
3 Two C.Cs to GP for Cooperation, High Court Buildings, Hyderabad.

4 Two C.D. Copies.